



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/803,318

03/18/2004

Donna Sue Davis

2003B101A

5374

7590 04/15/2008
ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,318	Applicant(s) DAVIS ET AL.	
	Examiner MARC A. PATTERSON	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 103(a) rejection of Claims 23 – 49 as being unpatentable over Lind et al (U.S. Patent Publication No. 2001/0003624) in view of Agouri et al (U.S. Patent No. 4,126,648), of record on page 2 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 23 - 49 as being unpatentable over Lind et al (U.S. Patent Publication No. 2001/0003624) in view of Agouri et al (U.S. Patent No. 4,126,648), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons stated below.

Applicant argues, on page 7 of the remarks dated March 19, 2008, that Agouri et al does not teach a multilayer film.

However, because Agouri et al is directed to a film, and because Agouri et al teach the advantages of a film comprising 60 – 90 wt% high density polyethylene and 40 – 10% low density polyethylene, it would have been obvious for one of ordinary skill in the art to have provided for a film comprising 60 – 90 wt% high density polyethylene and 40 – 10% low density polyethylene in each layer of Lind et al.

Applicant also argues, on page 8, that Lind et al discloses a film having a barrier layer, and that combination with Agouri et al renders the barrier structure unsatisfactory.

However, as stated on page 2 of the previous Action, Lind et al is not limited to a film comprising a barrier layer; Lind et al also discloses a film comprising one layer comprising a

Art Unit: 1794

single layer comprising an ethylene polymer (paragraph 0013) or a multilayer film comprising ethylene polymers made with a metallocene catalyst (paragraph 0013) for providing increased strength and faster bag making speeds (paragraph 0013). Alternatively, the film may also comprise a barrier layer as disclosed in paragraph 0014, but paragraph 0014 is not mentioned in, and is not relevant to, the rejection.

Applicant also argues, on page 8, that Agouri et al do not teach metallocene polyethylene.

However, on page 2 of the previous Action, because Agouri et al teach polyethylene catalyzed with metallocene, Agouri et al teach metallocene polyethylene.

Applicant also argues, on page 9, that each layer of Lind et al does not comprise HDPE and LDPE.

However, as stated on page 2 of the Office Action dated May 16, 2007, each layer of Lind et al comprises HDPE and LDPE, as stated in paragraph 0013.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.


The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1794

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/803,318	DAVIS ET AL.	
	Examiner	Art Unit	
	MARC A. PATTERSON	1794	